IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 15799 of 2005

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Dated: 22nd August 2005.

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Between:

P.Srinivas Rao

..... PETITIONER

AND

State of Andhra Pradesh, Rep by its Secretary, Revenue Department and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J. CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

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W.P.NO.15799 OF 2005

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ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

This writ petition is filed with the prayer as follows:

> "For the reasons stated in the accompanying affidavit, the petitioner herein therefore prays that this Hon'ble High Court may be pleased to issue a writ of certiorari calling for the records in O.A.No.2671/2005 on the file of the A.P. Administrative Tribunal and set aside the same and consequently declare the proceedings the 3rd respondent in his Rc.No.A1-1551/2004, dt.31-3-2005 as being arbitrary and illegal and contrary t the ruling of this Hon'ble High Court apart from being violative of Articles 14, 16, 21 of the Constitution of India and the provisions of CCA (CCS) Rules and issue such other writ or direction as deemed fit and proper in the circumstances of the case."

The petitioner was kept under suspension with effect from 13-12-2004 pursuant to certain charges (the details of which are not necessary for the present purpose of the writ petition). Aggrieved by the said order of suspension, the petitioner had earlier approached the Andhra Pradesh Administrative Tribunal (for short 'Tribunal'). The Tribunal declined to interfere with the said order and therefore the petitioner carried the matter to this Court by way of Writ Petition No. 298 of 2005. A Division Bench of this Court by an order dated 19th January 2005, suspended the impugned Proceedings dated 13-12-2004. The writ petition itself came to be disposed of on 09-03-2005 and the relevant portion of the order reads as follows:

> "……. Therefore, under the Rules, the Government is required to review the Order of suspension keeping in view the individual facts and circumstances of the case. In the wake of this scenario, we are inclined to dispose of the Writ Petitions with a direction that the

> Government shall review the orders of suspension within a period of two months from the date of receipt of the copy of this Order. Till such time the review is conducted, the interim Orders passed by this Court suspending the Orders of suspension, wherever applicable, shall continue to be in operation. However, it is made clear that if reviews are not undertaken and final orders are not passed by the Court within the time stipulated above, the orders of suspension shall not be given effect to and the petitioners shall be continued in service."

However, it appears that in spite of the decision to the Government to review the decision dated 13-12-2004, the 3rd respondent herein passed an order dated 31-03-2005, purporting to review the earlier decision dated 13-12-2004 and recorded that the suspension shall continue for further six months.

Challenging the Proceedings of the 3rd respondent dated 31-03-2005, the petitioner once again approached the Tribunal in O.A.No.2671 of 2005. The Tribunal declined to interfere and hence, the present writ petition.

When the matter is taken up, it is brought to the notice of this Court that during the pendency of the writ petition, the Government itself had reviewed the decision dated 13-12-2004 referred to above by its Proceedings dated 05-07-2005 in Memorandum No.14182/Vig.I(2)/2004-12, deciding to continue the petitioner under suspension for a further period of six months.

In the circumstances, we do not see any reason to keep the writ petition pending.

Admittedly, the order dated 31-03-2005 of the 3rd respondent is without any jurisdiction. As per the Rules, the Reviewing Authority is the Government, but not the 3rd respondent. The order dated 31-03-2005 of the 3rd respondent has no existence in the eye of law.

In the circumstances, the writ petition is accordingly disposed of. In the circumstances, there shall be no order as to costs.

J.Chelameswar, J

M.Venkateswara Reddy, J

22nd August 2005

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